



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Number: 200275568

Date: May 19, 2006

Comments Due: June 19, 2006

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to widen and improve US Highway 160 from Durango To Bayfield which would result in impacts to approximately 16.20 acres of wetland and 3,861 linear feet of other waters of the United States. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Colorado Department of Transportation  
Region 5  
Attn: Paul Jankowski  
3803 North main Avenue  
Durango, Colorado 81301

**LOCATION:** The project site is located in La Plata County, Colorado on US Highway 160 (US 160) and US Highway 550 (US 550) (see Figure 1). The project length on US 160 would be 16.2 miles extending from milepost (MP) 88.0, located east of Durango, to MP 104.2, located east of Bayfield. The project length on US 550 would be 1.2 miles, extending from MP 16.6, located at the US 160/US 550 (south) intersection, to MP 15.4, located south of the US 550/County Road (CR) 220 intersection.

The project site can be found on Loma Linda, Gem Village, and Bayfield Colorado 7/5 minute US Geological Survey quadrangles and is located in Sections 1, 2, 5U, 9, 10, 11 and 12 of Township 34 North, Range 9 West; Sections 7, 8, 9, 10, 11 and 12 of Township 34 North, Range 8 West; Sections 1, 7, 8, 10, 11, 12, 15, 16 and 17 of Township 34 North, Range 7 West; and Section 6 of Township 34 North, Range 6 West.

**PROJECT DESCRIPTION:** The proposed project would extend the existing four-lane highway of US 160 from Grandview east to Bayfield where it would transition to a two-lane highway. The proposed project would include reconstruction of the US 160/US 550 (south) intersection as an interchange. It would also include reconstruction of the US 160 intersections with CR 233 (west) and SH 172/CR234 as interchanges. The US 160 intersections with CR 233 (east), CR 232 (west), and CR 232 (east) would be eliminated, with CR 233 passing beneath US 160. The realigned CR 222/CR 223 (west) intersection with US 160 would be signalized. Improvements would be made to the existing US 160/CR 501 intersection. Numerous direct access point to US 160 for businesses, neighborhoods, and facilities would be consolidated or improved to provide access control. The project will be constructed over an indefinite period of time as funding allows.

Final design for these improvements is not yet complete and specifics for activities are not yet known, however, the general nature of activity for all roadway sections would include excavation and fills, construction of retaining walls, bridges, pavement, curbs and gutters. There would be a combination of

storm sewer and drainage structures (either pipes or box structures) installed where necessary. Permanent erosion protection in the form of riprap (or in a few instances, a concrete structure at the outlet) would probably be installed at the inlet and outlet of the drainage structures. Under bridges, the banks of waterways would be armored with riprap to help protect the abutments. Details will be supplied to the Corps office for approval with each individual project plan, as final design is complete.

Based on the available information, the overall project purpose is to improve the conditions of the traveling public along US 160 in the project corridor. Specifically, the purpose of the project is to increase travel efficiency/capacity to meet current and future needs, improve safety for the traveling public by reducing the number and severity of accidents and, control access. The need for this project is based on the projected travel demands on highway capacity and efficiency, and the existing substandard design that contributes to accidents associated with roadway deficiencies.

US 160 is a national highway system route and is the only principal east-west highway traversing the entire state of Colorado that serves the Four Corners Region. This vital link to the transportation system provides for the transport of people, goods, and services through the state and serves as a local and regional highway for the city of Durango and town of Bayfield. The growth in population and associated commercial and office-related facilities are the major reasons for expected traffic volume increases along the US 160 project corridor and need for highway improvements. Tourism traffic is anticipated to remain high during the summer months, and would likely increase as the number of resort and recreational facilities increases in the region.

US 160 has a higher than average number and severity of accidents in the state. Contributing to this rating is uncontrolled access; lack of shoulders, turning lanes, and wildlife crossings; and steep grades with insufficient lanes for passing. These problems are compounded by the increasingly high traffic demands that are being placed on this section of highway. Design improvements are needed for US 160 to reduce both the accident rates and the severity of the accidents, as well as mitigate wildlife collisions through the use of wildlife crossings. The attached drawings provide additional project details.

#### **ADDITIONAL INFORMATION:**

##### **Environmental Setting.**

There are approximately 21 acres of wetlands that will be impacted within the project area. The wetlands were delineated in 1999 and 2000. Due to the size of the project area and the long-term nature of the propose project, wetland boundaries and jurisdictional status were not formally verified by the Corps. The applicant feels that approximately 16 of the 21 acres are jurisdictional wetlands. The Corps will complete a determination during the planning and design phase of the specific construction project.

The applicant has classified several types of wetland found within the project corridor. They are as follows

- a) Wet Valley - wet valley wetland, which occur on slightly sloping terrain. These are areas with high groundwater, not located along stream or irrigation ditches. This is the most abundant wetland type in the project corridor, representing approximately 67 percent of the total wetland area. These wetlands are classified as palustrine emergent (wet meadow and march vegetation)(Cowardin 1979).
- b) Wet Floodplain - wet floodplain wetlands occupy narrow floodplains, typically 5 to 100 feet wide. Although a perennial or intermittent stream is present, the main source of wetland hydrology appears to alluvial groundwater rather than overbank flooding. These wetlands are the are the second most abundant type, representing approximately 14 percent of the total wetland area.
- c) Hillside Seep - Hillside seep wetlands are areas of groundwater discharge on moderate to steep slopes and have a mixture of wet meadow and marsh palustrine emergent vegetation, with palustrine scrub-shrub dominated by sandbar willow. They represent less than 3 percent of the wetland area within the project site.
- d) Stream Fringe - Stream fringe wetlands are mostly within the ordinary highwater mark of the stream

and receive water mainly from surface flow. They represent approximately 2 percent of the wetlands on the project corridor.

e) Old River Channel - Old river channel wetlands occur in depressions on the floodplain. They represent approximately 0.5 percent of total wetland in the project corridor.

f) Irrigation Ditch - Irrigation ditch wetlands occur within or along irrigation ditches and compose 5 percent of the total wetland within the project corridor. Most irrigation ditch wetlands are non-jurisdictional.

g) Ditch Seep - Ditch seep wetlands occur down slope from irrigation ditches, and seepage or surface water flow from irrigation ditch are the main source of water. They represent approximately 3 percent of the total wetland in the project corridor. Wetland whose sole source of hydrology is irrigation water are non-jurisdictional. However, the Corps will make this determination at the design and planning phase of the project.

h) Roadside Ditch - Roadside ditch wetland occur in excavated depressions along the road and highways. These wetlands represent less than 3 percent of the total wetland in the project corridor and may or may not be jurisdictional.

i) Pond Fringe - Pond fringe wetlands occur on the edged of artificial ponds in uplands or in natural drainage. These wetland represent less than 2 pursuant of the total wetland in the project corridor and may or may not be jurisdictional.

Wetlands have many functions and values that vary depending on wetland size, type, location, surrounding land use, outlets, vegetation, and other factors. The wetlands within the project corridor have been rated from low to high based on the following functions:

- 1) Threatened and Endangered Species Habitat
- 2) General Wildlife Habitat
- 3) General Fish Habitat
- 4) Sediment and Nutrient Retention
- 5) Production Export/Food Chain Support
- 6) Groundwater Discharge/Recharge
- 7) Uniqueness
- 8) Recreation/Education Potential
- 9) Dynamic Water Storage

Other aquatic features that are regulated as waters of the US, include intermittent and perennial streams. Five perennial or large intermittent streams occur in the project corridor. They include Wilson Gulch, Florida River, Dry Creek, Los Pinos River, and Little Los Pinos River.

The project is located within Animas and Los Pinos River watershed.

### **Landuse**

Most of the land within the project corridor is classified as agricultural or rural residential.

Concentrations of higher density, mixed development exist in the general locations, Grandview, Gem Village, and Bayfield.

**Alternatives.** The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

### **Avoidance and Minimization**

Design options were developed during the final stages of the alternative analysis process to avoid and minimize environmental (including aquatic resource) impacts. These design options generally include the use of retaining walls, reduced median widths, increased bridge lengths, and adjustment of intersecting roadways. Several more specific avoidance and minimization measures include the following:

- 1) CDOT will develop practicable measures to avoid and minimize indirect impacts to high quality

wetlands by establishing upland buffers in areas where highway construction encroaches on or is adjacent to wetlands. This may include minor alignment shifts away from wetland areas to allow sufficient area for establishment of upland buffers. If establishment of an upland buffer is not practicable, permanent best management practices (BMPs) would be implemented as a replacement of upland buffer functions, 2) High quality wetlands in Wilson Gulch and Dry Creek will be avoided and impacts minimized through the use of bridges instead of box culverts, locating intersections to minimize impacts to the larger wetland complexes, use of guardrail and retaining walls to minimize the roadway footprint, narrowing the highway to the maximum extent possible without compromising safety, and through the purchase of access control lines to limit future development impacts.

3) CDOT will implement appropriate best management practices (BMP) to address temporary soil erosion and sediment controls during construction and permanent stormwater runoff. The purpose of the BMPs are to promote water quality and minimize indirect and cumulative impacts to waters of the US.

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. Unavoidable permanent wetland impacts will be mitigated through on-site and/or off-site wetland creation or restoration in accordance with CDOT policy, Federal highway Administration (FHWA) wetland mitigation policy, and current USACE mitigation policies. Although the Clean Water Act only requires compensatory mitigation for those wetland and other waters considered jurisdictional, it is CDOT's policy to mitigate all wetland impacts at a minimum 1:1 ratio.

Current FHWA wetland mitigation policy states that using a wetland mitigation bank for compensatory mitigation is preferable (whenever practicable). However there are currently no active wetland mitigation banks within the project area watersheds.

CDOT will set up a project specifically for wetland mitigation with funding in 2007 or 2008, and will seek local input from conservation organizations or agencies to find the best mitigation sites. CDOT has established a conceptual mitigation plan that identifies on-site areas that appear to be suitable and practicable for wetland mitigation in lieu of mitigation banking. These areas will be further investigated during the final design and permitting process of each individual project in all highway sections.

Compensatory mitigation sites for replacement of jurisdictional wetlands will be outside CDOT right-of-way (ROW) to allow for designation of Conservation easements or Deed Restricted properties. Acres within CDOT ROW that are suitable for development as wetland will be considered as mitigation for non-jurisdictional impacts only. CDOT will pursue the purchase of properties on a willing seller basis to provide favorable locations for wetland impact compensation. Mitigation sites may also be developed on remnant parcels that are not required for transportation purposes but are still part of CDOT ROW. These sites will be protected in accordance with Sacramento District's Mitigation and Monitoring Proposal Guidelines.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Colorado, is required for this project. The applicant has indicated they have applied for certification.

**HISTORIC PROPERTIES:** An inventory of historic resources was conducted. Ten sites that have been officially determined eligible for the National Register of Historic Places (NRHP) would be impacted by the project, including the Denver and Rio Grande Railroad, eight irrigation ditches and one canal. A formal concurrent of No Adverse Effect for all the NRHP-eligible sites was provided by the State Historic Preservation Office.

**ENDANGERED SPECIES:** All portions of the project area were assessed for federally protected species habitat. A Biological Assessment (BA) has been submitted to the US Fish and Wildlife Service in conjunction with the US 160/US 550 EIS to comply with Section 7 Endangered Species Act requirements. The determination in the BA states that the proposed US 160 highway improvement project may affect, but is not likely to adversely affect bald eagle, yellow-billed cuckoo, and Knowlton

cactus. Southwestern willow flycatcher, Colorado pikeminnow, and razorback sucker are likely to be adversely affected by the proposed expansion and realignment of US 160 due to direct, indirect, and cumulative effects as a result of the construction are also included in the BA. A Biological Opinion (BO) concurring with this determination was received on February 3, 2006.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice 200275568, must be submitted to the office listed below on or before June 19, 2006:

Kara Hellige, Project Manager  
US Army Corps of Engineers, Sacramento District  
Durango Regulatory Office  
278 Sawyer Drive, Suite #1  
Durango, Colorado 81303  
Email: [kara.a.hellige@usace.army.mil](mailto:kara.a.hellige@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kara Hellige, 970-375-9452, [kara.a.hellige@usace.army.mil](mailto:kara.a.hellige@usace.army.mil).

Attachments: 11 drawings